

**MINUTES**  
**Town Council**  
**Town of East Greenwich**  
**Regular Meeting**  
**October 22, 2018 at 6:45 PM**  
**Town Hall, 125 Main Street, East Greenwich, RI 02818**

(1) Call to Order

Town Council (3/5): Suzanne Cienki, President; Sean Todd, Vice President and Mark Schwager, Councilor (Absent: Andrew Deutsch and Nino Granatiero)

Town Staff: Leigh Carney, Town Clerk

President Cienki called the meeting to order at 6:48pm.

(2) 6:45 PM Interviews for Boards and Commissions

- (a) Jeffrey Cianciolo for Quonset Point Development Corporation

Candidate was interviewed.

Council took a brief recess to re-assemble in Council Chambers.

(3) 7:00 PM Pledge of Allegiance to the American Flag

Town Council (3/5): Suzanne Cienki, President; Sean Todd, Vice President and Mark Schwager, Councilor (Absent: Andrew Deutsch and Nino Granatiero)

Town Staff: Gayle Corrigan, Town Manager; David D'Agostino, Town Solicitor; Leigh Carney, Town Clerk; Linda Dykeman, Finance Director; Wendy Schmidle, IT Director; Catherine Bradley, Community Services and Parks Director; Kevin Robinson, Fire Chief; Peter Henrikson, Deputy Fire Chief; Kristen Henrikson, Confidential Assistant to Town Manager; Lisa Bourbonnais, Planning Director; Col. Stephen Brown, Chief of Police; Capt. Stanley Cirella, Deputy Chief of Police

Stenographer: Carole Malaga, Merandi Court Reporting

President Cienki led the assembly in the Pledge of Allegiance to the American Flag.

(4) Acknowledgements

- (a) Proclamation for Helen Sovet as the Town's eldest resident and recipient of the Boston Post Cane.

Ms. Sovet's son, Stephen Sovet, accepted the proclamation on behalf of his mother.

Motion to approved made by Mark Schwager, seconded by Sean Todd

Ayes: Cienki, Schwager, Todd

Motion Carried 3 – 0

- (b) Promotion of Firefighter Jonathan D. Szerlag to Lieutenant, effective September 9, 2018

Chief Robinson commented on Firefighter Szerlag's qualifications, which was followed by a discussion on the promotional process contained within the union's contract.

Motion to approve made by Sean Todd, seconded by Mark Schwager

Ayes: Cienki, Schwager, Todd

Motion Carried 3 – 0

Moved to Item (5)

(c) Promotion of Charles Phillips to Building Foreman, effective October 21, 2018

Motion to approve made by Mark Schwager, seconded by Sean Todd

Ayes: Cienki, Schwager, Todd

Motion Carried 3 – 0

(d) Promotion of Thomas Geuss to Parks and Grounds Foreman, effective October 21, 2018

Motion to approve made by Sean Todd, seconded by Mark Schwager

Ayes: Cienki, Schwager, Todd

Motion Carried 3 – 0

Returned to Item (9) (f)

(5) Town Council Minutes

(a) September 24, 2018 Regular Meeting (Open and Executive Sessions)

(b) October 9, 2018 Regular Meeting (Open Session Interviews)

Motion to approve made by Sean Todd, seconded by Mark Schwager

Ayes: Cienki, Schwager, Todd

Motion Carried 3 – 0

(6) Reports and Communications

(a) Financial Report from Linda Dykeman

Director Dykeman highlighted the following line items for the first quarter of fiscal year 2019: tax revenue, meals tax revenue, salaries, contingency fund, police overtime, fire overtime, debt service and capital items. Discussion followed on meals tax reimbursement, PILOT payments from NEIT, fire overtime versus police overtime and posting capital items on social media. Director Dykeman went on to address concerns over a potential decrease in bond ratings and explained the review process. A meeting was held with the Auditor General and members of the School District to discuss the School Department's filing of a Notice of Deficit and

Corrective Action Plan for fiscal year 2018. A follow up meeting will be held in December after the completion of the audit to discuss the outlook for both Town and School. No reports were requested by the Auditor General at this time due to active auditing.

Director Dykeman advised that police and fire overtime are expected to remain unchanged for fiscal year 2018 and another bank account was discovered that was for a surety bond payable back to a developer. President Cienki commented on discrepancies with regard to prior year reports and continuing the consolidation efforts in IT and Human Resources. Councilor Schwager questioned why the fourth quarter reports were not being presented based upon the Town Council Rules and Guidelines and State statute. Director Dykeman explained she is not prepared to release unaudited data. A contentious debate followed on the accuracy of the numbers. Councilor Schwager reiterated his request for a copy of the fourth quarter financial report. Town Manager Corrigan addressed his request.

(b) Report from Chief Robinson on Fire Department Operations

Chief Robinson provided an update on the wellness and fitness initiative which is currently being litigated with a decision expected after November 3<sup>rd</sup>. He recommended a replacement schedule for rescue vehicles and addressed the immediate need to replace Rescue 2 which is currently out of service due to engine failure. Demo vehicles are an option but he recommended the immediate purchase of a used E450 rescue until a brand new rescue is purchased. Town Manager Corrigan addressed emergency appropriations. Specifications of the E450 were provided, notably the cost of \$6,500 which is below the capital limit requiring Council approval. Even with equipment transferred from Rescue 2 and modifications, the cost is expected to be below \$10,000. President Cienki endorsed Chief's recommendation. Chief Robinson continued by discussing the ethics case regarding Captain William Perry and his supervisory role of an immediate family member. He recommended forwarding his written alternative chain of command issued October 4, 2018 to the Ethics Commission for an advisory opinion, which was previously rejected by Captain Perry. Solicitor D'Agostino supported the Chief's recommendation. Two members are out due to injuries. Two vacancies were created in July and spots have been reserved at the training academy for springtime. Discussion ensued on the creation of a hiring list which Town Manager Corrigan will address at a subsequent meeting. Training on hydraulic tools will be completed this week. Chief Robinson reported on a recent house fire on the East Greenwich/Warwick town lines and commended the members of the department for their efforts. He addressed inaccurate information reported on social media by the Local 3328.

(7) Public Hearing

- (a) An ORDINANCE to amend the Code of the Town of East Greenwich, Chapter 248 thereof, entitled "Vehicles and Traffic", Article III, "Parking, Stopping, Standing", Section 248-34 "Stopping, standing and parking prohibited on specified streets" related to Crop Street. (SECOND READING)

There were no public comments.

Motion to approve and schedule for Third Reading on November 5, 2018 made by Sean Todd, seconded by Mark Schwager

Ayes: Cienki, Schwager, Todd

Motion Carried 3 – 0

- (b) Application for NEW Class BV Alcoholic Beverage License with Victualing, Outdoor Sidewalk Liquor Service and Entertainment for 241 Main Street LLC d/b/a 241 Main Street at 241 Main Street.

Attorney William Carline, representing 241 Main Street LLC, and the applicant Jason Kindness were present and provided details on the plans for the restaurant which is in the old Fat Belly's location. The LLC has secured a five year lease and plans to open as soon as November.

There were no public comments.

Motion to approve subject to clearance from the Building Inspector, Fire Marshal and Department of Health made by Sean Todd, seconded by Mark Schwager

Ayes: Cienki, Schwager, Todd

Motion Carried 3 – 0

- (c) Application for NEW Class C Alcoholic Beverage License with Extended Hours for Foreign Events LLC d/b/a SMOKE at 205 Main Street

Attorney William Carline, representing Foreign Events, LLC and the applicant Marshall Muir were present. The location is exempt from the 200' rule based on a stamped survey furnished by the applicant and the project has been before the Zoning Board and Fire Marshal over the past year. A victualing license is not required. Mr. Muir plans to play light house music for entertainment. Solicitor D'Agostino confirmed Class C licenses are subject to meal taxes. Mr. Muir explained 'hookah' and address parking issues as well as Department of Health involvement.

Michael Donegan, Chairman of the Planning Board, spoke in opposition of the application and noted that both the Comp Plan and Zoning Ordinance do not contemplate this type of use. He encouraged Council to vote against the application.

Bambi Lukens, 131 Westwood Drive, spoke in opposition of the application and to any and all smoking establishments. She pleaded with Council to deny the application.

Mr. Muir explained the process of making shisha and identified targeted demographics.

Solicitor D'Agostino clarified the framework of a Class C license and addressed the zoning issues being heard before the Zoning Board. The applicant expressed their dismay with the application process and the order of approvals from Council and Zoning.

Robert Vespia, Shippeetown Road, asked about capacity and was told it was under 50 people.

Michael Donegan cautioned Council on granting the license which would establish a property right premature of the Zoning Board's final decision. He added that hookah bars have never been addressed by the Planning Board or in the Zoning Ordinance as a permitted use and suggested that Council needs to make that decision first as elected officials.

Discussion ensued on defining property rights as it relates to the liquor license, issuing the license with certain conditions and the perplexity between the approval process for a non-permitted use.

Bambi Lukens commented on misconceptions and perceptions of hookah.

Caryn Corenthal, 5 Brookfield Court, commented on hookah smoking statistics found on the CDC (Center for Disease Control) website.

Mary Ellen Winters spoke in opposition and stated that no conversation has taken place regarding hookah bars.

Motion to approve conditional upon passage by the Zoning Board made by Sean Todd, seconded by Councilor Schwager

Councilor Schwager preferred to wait until more regulations are in place regarding hookah and is opposed to tobacco-based businesses.

President Cienki concurred with Councilor Schwager.

VP Todd commented that the Town already has two cigar bars and was in favor of the application.

Town Clerk Carney commented that there is no application for an Entertainment License, outdoor seating is not an option for Class C licenses and Department of Health inspection is required prior to opening.

Ayes: Todd

Nays: Cienki, Schwager

Motion Failed 1 – 2

(8) Consent Calendar

- (a) Approval of East Greenwich Chamber of Commerce Holiday Parade on December 1, 2018.
- (b) Application for Class F Alcoholic Beverage License for Ascension Nxt to hold a Halloween Party at the Varnum Armory, 6 Main Street, on October 26, 2018
- (c) Application for Class F Alcoholic Beverage License for Varnum Continentals to hold a fundraiser at the Varnum Armory, 6 Main Street, on November 17, 2018.
- (d) Application for Class F Alcoholic Beverage License for Krysten Renihan to hold a Wedding/Reception at the Varnum Armory, 6 Main Street, on December 29, 2018.

- (e) Reappointment of Chris Feisthamel to the Historic Cemetery Advisory Commission for a three-year term to expire November 30, 2021.
- (f) Reappointment of Peter Mitchell to Historic Cemetery Advisory Commission for a three-year term to expire November 30, 2021.

Motion to approve Items (a) through (f) made by Sean Todd, seconded by Mark Schwager

Ayes: Cienki, Schwager, Todd

Motion Carried 3 – 0

- (g) Reappointment of Brian Warburton as an alternate member to Juvenile Hearing Board for a one-year term to expire December 1, 2019.
- (h) Reappointment of Lisa Holley as an alternate member to the Juvenile Hearing Board for a one-year term to expire December 1, 2019.
- (i) Recommendation from the Tax Assessor for abatements to the 2018 Tax Roll in the amount of \$11,571.48

Items (g) through (i) were inadvertently overlooked.

(9) New Business (Discussion/Action)

- (a) Resolution authorizing the transfer of the unexpended balance of Capital Appropriations made in prior FY 2018 to be applied in the current FY 2019.

Director Dykeman provided details on the items and the amounts being requested.

Motion to approve made by Sean Todd, seconded by Mark Schwager

Ayes: Cienki, Schwager, Todd

Motion Carried 3 – 0

- (b) An Ordinance to amend the Code of the Town of East Greenwich, Chapter 128 Harbor Management, Section 128-5 (I) Harbor Regulations related to conditions of use of Town dock (FIRST READING).

Director Bradley explained that the amendment clarifies the size of vessels allowed to use the dock. Town Manager Corrigan added that the Cove Commission voted to support the amendment.

Motion to approve and schedule for public hearing on November 5, 2018 made by Sean Todd, seconded by Mark Schwager

Ayes: Cienki, Schwager, Todd

Motion Carried 3 – 0

- (c) Status update on 5G, small wireless facility service



Director Schmidle gave a comprehensive overview of what has happened in the 5G industry over the past 18 months. Currently, the carriers decide what the Town needs. Solicitor D'Agostino concurred that the carriers are driving the process and per statute, small cell facilities are considered permitted uses and not subject to zoning approval. VP Todd was concerned about public safety and suggested the Town Manager reach out to carriers.

Steve Lombardi, Executive Director of the East Greenwich Chamber of Commerce, commented that it is a huge problem for the business community and he is willing to take the lead on reaching out to the congressional delegation.

Charles Callanan commented that the two challenges are topography and user density.

Discussion ensued on engaging the services of ExteNet Systems who came before the Council in July. Solicitor D'Agostino added that they would act as a middle man for something the Town could do on its own. President Cienki recommended getting letters, followed by Director Schmidle commenting on leveraging with other communities. ExteNet business model was briefly discussed for clarification purposes.

Town Manager Corrigan was directed to write to the other 38 Rhode Island communities and reach out to the State police and the Town's congressional delegation.

- (d) Update and report on legal status of Memoranda of Agreement and Memoranda of Understanding executed administratively without prior Council approval, authorization or deliberation.

President Cienki spoke briefly about the legality of subterranean agreements before asking Town Manager Corrigan to address the issues. Town Manager Corrigan provided an extensive report on twelve side agreements that were unearthed. All but one lacked Town Council approval and public vetting following a search of Council records done by the Town Clerk. Each agreement was categorized based on their financial impact of low, medium and high. It was noted that no accounting personnel were present in the prior Council meetings to address financial impacts. The context of each agreement was explained by Town Manager Corrigan and Council's questions were addressed simultaneously. She requested that agreement five (5) be considered null and void and that all could potentially be voidable if Council so chooses. Agreement eleven (11) related to laborers and snow removal is valid and should be ratified. President Cienki requested the Town Manager to prepare a slide presentation showing the exact financial impact of each agreement for the next meeting. Solicitor D'Agostino addressed the net wage increase MOA as legally void due to it not being made public and recommended ratifying any agreements relevant to policies Council wishes to recognize at the next meeting. Additional research is required to remedy those agreements with a high financial impact. Town Manager Corrigan addressed lateral firefighter salaries compared to police officer salaries and operational differences between both departments.

- (e) Ratification of Memorandum of Agreement between the Town and the Laborer's International Union

Town Manager Corrigan explained that following a recent JANUS ruling involving an opt-out clause for paying union dues, she invited all unions to meet to discuss the ruling and

historical inequities. The Laborers accepted. She reviewed the union's composition and provided details on the results of the negotiations. Complaints were vetted against like-sized communities as it related to standardizing positions and equities of pay. Town Manager Corrigan then provided an in-depth review of the proposed language in the MOA. Additionally, she reported on the annualized and fiscal year 2019 impact. Amounts do not include overtime (snow). Janitorial work may be outsourced to better utilize the workforce.

Arthur Jordan, Business Manager of Local 1322, commented that East Greenwich has the best work force of any municipality and was appreciative of the review.

Motion to approve made by Sean Todd, seconded by Mark Schwager

Ayes: Cienki, Schwager, Todd

Motion Carried 3 – 0

Returned to Item (4) (c) and (d).

- (f) Appointment to the Affordable Housing Commission for a two-year term to expire October 22, 2020.

Motion to appoint Donna Dufault to the Affordable Housing Commission for a two-year term to expire October 22, 2020 made by Sean Todd, seconded by Mark Schwager

Ayes: Cienki, Schwager, Todd

Motion Carried 3 – 0

- (g) Appointment to the Municipal Land Trust to fill a vacancy for the remainder of a five-year term to expire October 1, 2022.

Motion to appoint Kevin Dawson to the Municipal Land Trust to fill a vacancy for the remainder of a five-year term to expire October 1, 2022 made by Sean Todd, seconded by Mark Schwager

Ayes: Cienki, Schwager, Todd

Motion Carried 3 – 0

- (h) Appointment of an alternate member to the Zoning Board of Review to fill a vacancy for the remainder of a one-year term to expire July 1, 2019.

Motion to appoint David Collier to the Zoning Board of Review to fill a vacancy for the remainder of a one-year term to expire July 1, 2019 made by Sean Todd, seconded by Mark Schwager

Ayes: Cienki, Schwager, Todd

Motion Carried 3 – 0

#### (10) Town Manager's Report

Town Manager Corrigan deferred to Director Bradley who reported that a \$10,000 gift was recently given to the Senior Center from a new resident who wished to remain anonymous. A temporary Transportation Coordinator is filling in while a permanent replacement is hired and



the Meal Site coordinator is out temporarily but duties are being covered by a fill-in. Town Manager Corrigan added that complaints about more graffiti on the London Bridge tunnel has been addressed despite repeated offenses and attempts to reduce the effects. Additionally, the agreement with New England Tech was discussed as it relates to access to roadways, payments and the overall relationship with the Town. Director Bourbonnais commented. Tax Assessor Davey will address the agreement at the next meeting.

(11) Public Comments (30 minute time limit)

Mike Donegan supported Councilor Schwager's request for financials per Rule 9 of the Town Council Rules and Guidelines and RIGL 45-12-22.2. He noted the Town has not gone through the formal process of requesting a waiver from the Auditor General and that even rounded numbers would be helpful to the public. He added that the Town's threshold for purchasing capital equipment is \$7,500 and commented on the difference between capital reserves and fund balance as it related to bond ratings.

Bill Higgins commented on the \$60K found by Director Dykeman which Director Bourbonnais addressed. He noted that the agreements made in July 2017 to hire the Town Manager and Finance Director never came before the Town Council or the public. He voiced his disappointed with insubordination by Finance Director Dykeman.

Dr. Eugene Quinn, 260 Middle Road, explained how he analyzed the same information given to Ken Block to investigate and dispel previous claims about firefighter salaries, schedule manipulation and overtime policies. President Cienki replied.

Rob Vespia, 155 Shippeetown Road, commented on the elimination of floaters in the Fire Department, the enactment of collecting impact fees by the Fire District and the Town's neglect on passing an ordinance as such. President Cienki replied.

(12) Council Comments

Councilor Schwager voiced his disappointment with President Cienki for not acknowledging his request to discuss the recent finds by the Ethics Commission pertaining to Town Manager Corrigan on the agenda. He stated that Town Manager Corrigan should temporarily step down until matter is concluded.

VP Todd disagreed with Councilor Schwager. He noted that he DJ'd a successful fundraiser for Hanaford/Frenchtown. He was in favor of recouping money from the secret agreements.

President Cienki commented on deferred capital projects, pension liabilities and the current state aid formula.

(13) Executive Session

- (a) Closed pursuant to RIGL 42-46-5 (a)(2), sessions pertaining to collective bargaining or litigation, specifically to discuss on going labor relations matters concerning East Greenwich Firefighters Local 3328, IAFF.
- (b) Closed pursuant to RIGL 42-46-5 (a) (2), sessions pertaining to collective bargaining or litigation, specifically, to discuss the matter, IAFF Local 3328 v. East Greenwich, KC-2018-0926.

Motion to go into Executive Session per RIGL 42-46-5 (a) (2) made by Sean Todd, seconded by Mark Schwager

Ayes: Cienki, Schwager, Todd

Motion Carried 3 – 0

Motion to reconvene into Open Session and seal the Executive Session minutes made by Sean Todd, seconded by Mark Schwager

Ayes: Cienki, Todd, Schwager

Motion carried 3 – 0

(14) Adjournment

Motion to adjourn made by Sean Todd, seconded by Mark Schwager

Ayes: Cienki, Todd, Schwager

Motion Carried 3 – 0

Submitted By:

Leigh A. Carney, CMC  
Town Clerk

Approved By Town Council:

(PENDING)

**AUDIO FILE AVAILABLE AT TOWN CLERK'S OFFICE**